

## HOUSE BILL NO. 133

INTRODUCED BY D. BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT FENCING ATTACHED TO OR ABUTTING A COUNTY ROAD BRIDGE IS NOT CONSIDERED AN ENCROACHMENT UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 7-14-2134, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-14-2134, MCA, is amended to read:

**"7-14-2134. Removal of highway encroachment.** (1) ~~If~~ Except as provided in subsection (4), if any highway is encroached upon by a fence, building, or otherwise other obstruction, the road supervisor or county surveyor of the district ~~must~~ shall give notice, orally or in writing, requiring the encroachment to be removed from the highway.

(2) If the encroachment obstructs and prevents the use of the highway for vehicles, the road supervisor or county surveyor ~~must~~ shall immediately remove the ~~same~~ encroachment.

(3) The board of county commissioners may at any time order the road supervisor or county surveyor to immediately remove any encroachment.

(4) This section does not apply to fencing along a county road right-of-way that is attached to or abuts a county road bridge edge, guardrail, or abutment if the county allows the fencing and if the fencing and bridge appurtenances are not on the roadway, as defined in 61-1-206."

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